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May 9, 2024

Honorable Valerie Figueredo
 Daniel Patrick Moynihan Courthouse
 500 Pearl Street, Room 1660
 New York, NY 10007
 FigueredoNYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

HON. VALERIE FIGUEREDO
 UNITED STATES MAGISTRATE JUDGE
 DATED: 5-10-2024

Case-Mate is directed to submit a response to this letter by no later than **Thursday, May 16, 2024.**

Re: Vinci Brands LLC v. Coach Services, Inc., et al. – 1:23-cv-05138
Vinci Letter Motion for Order Compelling Case-Mate, Inc. to Produce
Unredacted Emails and Communications in Accordance with the Court’s
April 29, 2024 Order (ECF 347)

Dear Judge Figueredo:

On April 29, 2024, Judge Lorna G. Schofield issued its ***eighth Order*** compelling Case-Mate, Inc. (“Case-Mate”)¹ to comply with its discovery obligations, this time ordering Case-Mate to “***review its entire production thus far*** and remove all redactions except for those protected by the attorney-client privilege or work-product doctrine” by May 8, 2024. (ECF 347). Thereafter, Case-Mate filed a Motion for Reconsideration of the Court’s April 29, 2024 Order, seeking relief regarding the Court’s directive to produce unredacted ***text messages***. Importantly, Case-Mate did not seek any relief regarding the production of unredacted ***non-text message communications***. Although the Court denied Case-Mate’s motion, it granted Case-Mate until May 14, 2024 to produce its ***unredacted text messages***. The Court, however, did not extend the deadline by which Case-Mate was required to remove all redactions, except for those protected by the attorney-client privilege or work-product doctrine, ***from all non-text message communications***.

In violation of Federal Rule of Civil Procedure 37, Case-Mate failed to comply with the Court’s April 29, 2024 when it failed to produce unredacted ***non-text message communications*** by May 8, 2024. Indeed, based on Vinci’s review of Case-Mate’s document production, Case-Mate has failed to produce unredacted emails with Vinci (CM47871, CM47876, and CM47913), unredacted google chat messages between employees (CM40619 and CM40595), unredacted internal Case-Mate emails (CM47985), unredacted emails with Vinci’s customers and distributors (CM50436), unredacted emails with third-party Siena (CM 47879 and CM47926), unredacted emails with Vinci’s counsel (CM48699), unredacted emails with Vinci’s investment banker (CM48592 and CM48627), unredacted emails with its secured lender, (CM 48640), unredacted emails with KSNY (CM49920 and CM49469), unredacted emails with ACS’ counsel (CM50870 and CM51194), and over a hundred emails that were redacted.

¹ See ECF 247, 252, 273, 279, 287, 300, 312, and 346.

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Accordingly, Vinci respectfully requests that the Court, once again, enter an Order compelling Case-Mate to produce all unredacted non-text message communications (except for those protected by the attorney-client privilege and/or work product doctrine) by May 12, 2024 and for such other and further relief, including the attorneys' fees incurred by Vinci in preparing this submission, as the Court deems just and necessary.

Very truly yours,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP

Paul Del Aguila

One of the counsel for Vinci Brands LLC